

ROBERT DAVYDOV, Derivatively on )  
Behalf of ACADIA HEALTHCARE )  
COMPANY, INC., )

**V.**

Judge Eli J. Richardson  
Magistrate Judge Barbara D. Holmes

Case No. 3:19-cv-00167

-and-

**Nominal Defendant.**

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WHEREAS, this derivative action filed by plaintiff Robert Davydov (“Plaintiff”) names as individual defendants<sup>1</sup> certain current and former directors and officers of Nominal Defendant Acadia Healthcare Company, Inc. (“Acadia” and, together with the individual defendants, the “Defendants”);

WHEREAS, a class action alleging violations of the federal securities laws filed against Acadia and certain of its officers is pending in this Court: *St. Clair County Employees’ Retirement System v. Acadia Healthcare Company, Inc., et al.*, No. 3:18-cv-00988 (the “Federal Securities Class Action”);

WHEREAS, the parties agree that, while this derivative action asserts different claims for liability, it does involve some of the same parties and factual allegations as the Federal Securities Class Action;

WHEREAS, it is understood that the defendants in the Federal Securities Class Action anticipate filing a motion to dismiss the consolidated complaint filed by the lead plaintiff appointed in that matter;

WHEREAS, the Private Securities Litigation Reform Act, 15 U.S.C. § 78u-4(b)(3)(B), provides in relevant part that all discovery, including initial disclosures pursuant to Fed. R. Civ. P. 26(a), shall be stayed during the pendency of the motion to dismiss the Federal Securities Class Action;

WHEREAS, the parties agree that the interests of preserving the parties’ and the Court’s resources, efficient and effective case management, and moving the case expeditiously towards trial would best be served by deferring this matter until the Court enters an order resolving defendants’ anticipated motion to dismiss the Federal Securities Class Action and have further agreed on certain terms, noted below, during the pendency of the deferment;

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<sup>1</sup> The individual defendants are Joey A. Jacobs, William Brent Turner, Ronald M. Fincher, David Duckworth, Reeve B. Waud, William F. Grieco, Wade D. Miquelon, William M. Petrie, E. Perot Bissell, Christopher R. Gordon, Vicky B. Gregg, and Hartley R. Rogers.

WHEREAS, the parties agree that at any time during which the prosecution of this derivative action is deferred pursuant to this Order, any party may file a motion with the Court seeking to modify the terms of the Order, which may be opposed by any other party; and

WHEREFORE, the parties, through their undersigned counsel, hereby agree, stipulate, and respectfully request that the Court enter an Order as follows:

1. This derivative action shall be deferred pending a ruling on defendants' anticipated motion to dismiss the Federal Securities Class Action or until otherwise agreed to by the parties, but subject to each party's right (i) to move the Court to lift or extend the deferral and (ii) to oppose such motions.

2. Plaintiff may file an amended complaint while this case is deferred.

3. The case management conference scheduled for April 22, 2019 at 10:00 a.m. is cancelled and taken off the calendar.

4. Within thirty days of the ruling on defendants' anticipated motion to dismiss the Federal Securities Class Action, the parties shall meet and confer concerning a schedule for further proceedings in this derivative action and advise the Court accordingly.

5. Defendants shall be under no obligation to respond to the complaint, or any amended complaint, while this derivative action is deferred.

IT IS SO ORDERED.

  
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ELI J. RICHARDSON  
UNITED STATES DISTRICT JUDGE

Stipulated and Agreed To:

s/ Ashley R. Rifkin

Brian J. Robbins  
Stephen J. Oddo  
Ashley R. Rifkin  
Robbins Arroyo LLP  
5040 Shoreham Place  
San Diego, CA 92122  
Telephone: (619) 525-3990  
Facsimile: (619) 525-3991  
brobbins@robbinsarroyo.com  
soddo@robbinsarroyo.com  
arifkin@robbinsarroyo.com

Wade B. Cowan (BPR #9403)  
Of Counsel Davies, Humphreys & Reese PLC  
85 White Bridge Road, Suite 300  
Nashville, TN 37205  
Telephone: (615) 256-8125  
Facsimile: (615) 242-7853  
wcowan@dhrplc.com

*Attorneys for Plaintiff*

s/ Steven A. Riley

Steven A. Riley (BPR #006258)  
Milton S. McGee, III (BPR #024150)  
Riley Warnock & Jacobson, PLC  
1906 West End Avenue  
Nashville, TN 37203  
615-320-3700 (Telephone)  
615-320-3737 (Facsimile)  
sriley@rwjplc.com  
tmcgee@rwjplc.com

*Attorneys for Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document was served via the Court's ECF system upon the following:

Wade B. Cowan  
Of Counsel Davies, Humphreys & Reese PLC  
85 White Bridge Road, Suite 300  
Nashville, TN 37205  
wcowan@dhrplc.com

Brian J. Robbins  
Stephen J. Oddo  
Ashley R. Rifkin  
Robbins Arroyo LLP  
5040 Shoreham Place  
San Diego, CA 92122  
brobbins@robbinsarroyo.com  
soddo@robbinsarroyo.com  
arifkin@robbinsarroyo.com

this the 12th day of April, 2019.

s/ Steven A. Riley \_\_\_\_\_